

*The Present CASE of the Common-Hall in their Election of SHERIFFS,  
from the 24th of June, 1695.*

**G**ODFRY WEBSTER Esq; and Sir LEONARD ROBINSON Kt. Persons of known Ability and Loyalty to his Majesty King WILLIAM and His Government, were at a Common-Hall assembled in *Guild-Hall* according to antient Custom duly elected Sheriffs for the City of *London* and County of *Middlesex* for the Year ensuing.

*Tuesday, July the 2d,* At another Common-Hall there summoned, Mr. Recorder declared that *Godfry Webster Esq;* and Sir *Leonard Robinson* had been discharged upon Payment of 400 and odd Pounds each; therefore that Common-Hall was summoned to go to a new Election of two Sheriffs. The Citizens judging they could not legally proceed to any new Election till the Sense of the Common-Hall was tryed, by putting up this Question, *viz. All you that do adhere to your former Election of Godfry Webster Esq; and Sir Leonard Robinson Kt. to be Sheriffs of London and County of Middlesex for the Year ensuing, Hold up your Hands: All you that are of a contrary Opinion, Hold up your Hands.* Which Question the Sheriffs refused to put up, and the Citizens generally continuing in demanding it to be put up for about two Hours, The Citizens being much disturbed, earnestly expostulated with the Sheriffs why they would refuse to fair a Question? who answered they were resolv'd what to do, and had advis'd with several of the Judges, and would go to a new Election: But the Cry of the Common-Hall being generally to the contrary, that Common-Hall was dissolved.

Another Common-Hall was called *Friday July the 5th,* the Sheriffs having declared they would go to a new Election as before; the Citizens deliver'd the former Question in Writing unto both the Sheriffs Hands, and earnestly insisted to have it put up; putting them in mind of their Oaths, whereby they were sworn to maintain the Franchises and Free Customs of the City, and pray'd them not to invade them; nor attempt to violate their former Election, which was so duly made, and of so fitting Persons: But they said, they must and would go to a new Election, saying they had the Direction and Opinion of some of the Judges for their Proceedings; and did, contrary to the general Declarations of the Common-Hall, put several Persons up in Nomination, and did pretend that the Majority of Hands fell upon Mr. *Lethieulier*, Mr. *Adams*, Mr. *Moyer*, and Mr. *Wills*: But it is verily believed that not one Man in twenty in the whole Common-Hall did hear their Names, so as to know who they were, the Cry *No, No,* of the Adherers was so strong. The Sheriffs, perceiving so few Hands as were held up, would not give them sufficient colour to make a Report, turn'd about and ask'd, Doth no Man demand a Poll? Who demands a Poll? What, will no body demand a Poll? At last one behind answers, *I demand a Poll; but I do not know who to demand it for*; one of the Sheriffs answer'd, *I will tell you who you shall demand it for*: Whereupon several Citizens protested against it, as an irregular Election, in their own Names, and in the Names of their Fellow-Citizens. When the Lord Mayor and Aldermen came upon the *Hustings*, and were seated there, a Paper was delivered into his Lordship's Hands; and a Protest was again made to the Lord Mayor and Aldermen against the pretended Election: the Purport of the Paper was to this effect, *viz. My Lord Mayor, It is our Opinion that the Common-Hall are about 1500 Citizens, and we are of Opinion that not one hundred Hands were held up for any one Person put in Nomination, and the rest of the Citizens adhered to their former Election of Godfry Webster and Sir Leonard Robinson for Sheriffs for the Year ensuing. It was further moved by the Citizens to the Lord Mayor and Aldermen, that the Clerks of the Hall should produce their*

Books upon the *Hustings*, that the Citizens in Common-Hall now assembled might immediately enter their Protest: But answer was made there were no Books. The Sheriffs declared that a Poll had been demanded, and they would begin it that Afternoon at Three of the Clock. The Citizens that adhered to their former Election, forbore to Poll: And notwithstanding the Endeavours of the Candidates to get Friends to the Poll to preserve themselves from the danger of such Election, and the Industry of many of the Common-Council-Men to encrease the number of Pollers, thereby the better to colour this Action; yet on *Tuesday July 9.* by the Sheriffs Declaration of the Poll upon the *Hustings*, it appears that Mr. *Lethieulier* who had the greatest Number, had but 511, which amounts to not one third of the Number that Poll'd for the Sheriffs chosen at *Midsummer*; notwithstanding which the Sheriffs declared the Election to have fallen upon Mr. *Lethieulier* and Mr. *Wills*: whereupon several Citizens upon the *Hustings* declared there was no Vacancy, for that two Sheriffs had been duly elected on *Midsummer-Day*; to which Election the Citizens in Common-Hall assembled had generally adhered, tho there had been two Common-Halls summon'd since to induce them to a new Election. Afterwards the Lord Mayor and Aldermen came upon the *Hustings*, where several Citizens desired to be heard before any further Proceedings were made in this Election, but were not suffered then to speak, but were told after the Business was over, they should be heard before the Lord Mayor and Aldermen in the Council-Chamber. The Poll was again declared before the Lord Mayor and Aldermen, and the Persons called forth that were pretended to be elected: So the Assembly was dissolved. The Lord Mayor and Aldermen went into the Council-Chamber, where the Citizens attending, and being called in, they did urge to the Lord Mayor and Aldermen that the choice of Sheriffs had been constantly practis'd to be made by the several Liveries of *London* in Common-Hall assembled for above 200 Years, where the Mayor and Aldermen as Livery-men have right to Vote and Poll; which, as was then shew'd, they have practis'd by several Instances: And that the Common-Council-men do likewise Poll as Livery-men and not otherwise; for any Person not being of the Livery is always commanded (by the Cryer) to depart the Hall upon pain of Imprisonment, nay though he be of the Common-Council, in case he be not of the Livery.

And we have Instances of several Common-Council-men that have not been on the Livery. They did further urge, that the Lord Mayor and Aldermen were but 26, the Common-Council-men but 234, and that the other Livery-men amounted to six or seven thousand; wherefore they did appeal to the Reason of that Honourable Court, what colour there could be for the Lord-Mayor, Aldermen, and Common-Council, that are but a small part of the Common-Hall, to take upon them to vacate what themselves had acted in conjunction with the Livery assembled in Common-Hall; who had generally adhered to their first Election, and still do adhere: And further pray'd the Lord-Mayor and Aldermen to shew where and when the Common-Hall did divest themselves of any power either to the Mayor and Aldermen, or to the Mayor, Aldermen, and Common-Council. But nothing of that nature was produced; but an Act of Common-Council was alledged, empowering them to discharge the Person so elected on the Payment of the Sum of 400 Pounds: It was answered, That an Act of Common-Council could not abridge, or take away the Rights of the Citizens of *London*, confirmed to them by so many Charters and Acts of Parliament, unless we suppos'd an Act of Common-Council of equal Authority with those Acts of Parliament that con-

firm our Rights. There was likewise read an Opinion of the Judges in the 40th of *Eliz.* reported by the Lord Cooke in the 4th Part of his Reports; Title *Corporations*, which the Citizens conceive did much confirm the Right of Election in the Common-Hall as now constituted, but did not come up to the present Case.

And that we may remind you that all possible Endeavours have been used on the Common-Hall-side to have this matter amicably composed, to which end two Citizens out of the Common-Hall waited on the Lord-Mayor and Aldermen in the Council-Chamber, at least an Hour before the Common-Hall began, where they intreated his Lordship and the Sheriffs for Peace-sake to adjourn the Common-Hall for 14 Days, in which time they desired his Lordship and Court of Aldermen to agree on ten Aldermen and Common-Council-men to meet the like number of Citizens on the part of the Common-Hall, with six or more eminent Council Learned in the Law, to debate the matter in dispute, and give their Opinions therein, which might be reported to the next Common-Hall: but this fair Proposal was rejected. And that several of our Fellow-Citizens, who have endeavoured to maintain the Rights and Privileges of the Common-Hall, should not lie under the Censure of being Hot Contentious Men, who would not hearken to any reasonable Propositions, it was thought fit to give this Impartial Account to all those who are actually concerned in our Election, that they may see where the Fault lyeth.

Stow, in his *Survey of London*, page 651. written in Q. *Eliz.* time, hath these words; 'When the Lord-Mayor goeth to declare the Election about Sheriffs, then he demandeth of them, (*viz.* the Common-Hall,) repeating the Names of the Persons chose, whether it be their free Election, yea or no! which they confirming, Mr. Recorder giveth them Thanks, and so they all depart home. So free had Elections used to be made in Common-Hall.

It is worthy Observation, that the Common-Hall, as now constituted for Election of Sheriffs, hath so constantly practised above 200 Years, and that nigh one half of the Members thereof are such as live not in any of the Wards out of which the Common-Council are elected, and so are no wise represented by them, they having no Vote in Election of Common-Council-men; but have both Vote and Interest in the Sheriffs of *London* and *Middlesex*.

It concerns those that undertake to disturb them in their Elections, to look into the Statute of *Westminster* the 1st, and the *Ld Cooke's* Notes upon it; where he saith, 'A Man may be a Disturber of Elections before and after, as well as at the time of Election: Freedom of Elections have been reputed the most sacred and tender part of our Constitution; to violate that, hath been looked upon by our wise Ancestors as fatal as a Mine underneath to blow up our well-constituted Government.

It may be read in the *Chronicles* how Sir *Nicholas Brember*, Lord-Mayor of *London* in the Reign of *Rich. 2.* was condemned and executed at *Tyburn* for Exercising that Office, not being duly elected to it. Sir *Edward Bromfield*, another Mayor of *London* in the Year 1637. though he had an Act of Common-Council for his Warrant to save him harmless, and to re-imburse him if any damage should come to him; and had the Judges Opinion, yet that Gentleman was utterly ruined for Actions done by him pursuant to that Act of Common-Council.

One of the Articles against *Rich. 2.* for which that King was deposed in Parliament, was for imposing Sheriffs on Cities and Countries, contrary to the Law and Custom of the Realm: Parliaments have constantly declared against Kings and Great Mens Letters to influence Elections: And all the Acts of the Parliament of 38 *Hen. 6.* were repealed and declared null in another Parliament in the 39th of the same King's Reign, because the Members thereof were unduly chosen. *Rot. 28. Hen. 6.* The Duke of *Suffolk* was im-

peach'd in Parliament for undue making of Sheriffs, and thereby inhanling to himself Rule in the Realm.

It may be noted, that in the City's Rejoinder to the *Quo Warranto*, page 1. are these words, *viz. Protesting also that no Act, nor Deed, nor By-Law, made by the Common-Council, or by the Mayor, Aldermen, and Common-Council of the City aforesaid, is the Act or Deed of the said Body Corporate and Politick.* But it is conceived the Electing of a Sheriff is the Act of the Body Corporate and Politick of the City of *London*, and not to be vacated but by the same Body. Some have suggested it were better to part with our Rights than to insist on them, at this time the King being absent: To which it is reply'd, That the Right of Election, and the Necessity of the Service of two such Fit-Men, of whose legal and due Election there is no Dispute, are worth contending for at this critical time. They may be fully assured that the Act of Common-Council, which my Lord-Mayor and Aldermen insist on, hath lett the Persons elected still obliged to serve the Office, without any colour for a Discharge: It appoints 400 l. Forfeiture, for neglecting or refusing to seal their Bonds; which is such an Earnest-penny that it hath often moved the Common-Hall to elect others, and so it hath wrought a Discharge for that Year that Way. Now the Common-Hall, who are doubtless as loyal to the King as any sort of Men in the Nation, can never be contented to see their Privileges undermined at this time of the day, whereby they may be the less able to serve their King and Country if need should require: this certainly will never take with honest Men who consider well of their Oaths, *Godfrey Webster* Esq; and Sir *Leonard Robinson* Kt. are Sheriffs duly Elected, and now stand charged to serve the Office as much as they did the 24th of *June* last; Mr. *Lethiellier* and Mr. *Wills* will sure consider whether it be not a Breach of their Oaths, officiously to give colour, by fining for an Office they were not duly elected to. If they consider *Gisburg's* Case, who was duly chosen Mayor of *Tork*; but by the help of some forward Persons *Quixley* got into that Office; upon complaint in Parliament, 4 *Rich. 2.* *Gisburg* was restored, and *Quixley* and twenty four of his Accomplices, imprisoned and severely punished for encroaching to themselves Royal Power: *Rot. Parl. N<sup>o</sup>. 50.*

That the Common-Hall is the most antient Court, and of highest Authority in *London*, may appear by their new modifying and ordering the Common-Council in the 20th of *Edw. 3.* and again in the 43d of *Edw. 3.* and likewise in the 7th of *Rich. 2.* the Citizens do refer to the Books in the Book-house in *Guild-hall*, lib. H. fol. 173. entituled, *An Ordinance of the Common-Hall how the Common-Council should be elected by the several Wards.* Judge *Dolbin* in the Case betwixt *Rich* and *Robinson*, did in Court upon the mention of an Act of Common-Council, ask if it were confirmed by the Common-Hall? For, said he, I find by your Books and Records in *Guild-hall*, that the Common-Hall is far more Antient, and of greater Authority, than your Common-Council: And he had Reason to know, having been Recorder of *London*. It was observed in Court by an Alderman, that himself and several of his Brethren had in the late Reigns hazarded their Estates and Lives, and that one of them was made a Sacrifice for opposing the Invasions upon the Rights and Liberties of the City: To whom it was replied by the Citizens, They were very sensible of it: But did beg leave to remind his Lordship, and that Honourable Court, at what door all that Mischief entred, if it were not by breaking in upon the Rights and Privileges of the Common-Hall? in imposing Sheriffs who were not duly elected.

It hath been reported, (and before this time expected) That something from the Lord-Mayor and Court of Aldermen would appear in Print to clear up this Controversy, and manifest the Warrantableness of their Proceedings in this important Affair, the Citizens being still ready to receive any Information that may tend to the Peace and Tranquillity of this great and famous City.

F I N I S.

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